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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,970	06/09/2000	John H. Palevich	2520	2081
7590	04/14/2004		EXAMINER	
LAW OFFICES OF ALBERT S. MICHALIK, PLLC 704 - 228TH AVENUE NE SUITE 193 SAMMAMISH,, WA 98074			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	9
DATE MAILED: 04/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/590,970	PALEVICH ET AL.	
	Examiner Jungwon Chang	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 1/26/2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**FINAL ACTION**

1. Claims 1-26 are presented for examination.
2. The rejection under 35 U.S.C. 112, second paragraph is withdrawn in response to applicant's amendment.
3. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior office action.
4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 1-3 and 5-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslau et al. (US 6,185,733 B1), hereinafter Breslau, in view of Pearson et al. (US 6,438,610 B1), hereinafter Pearson.
6. As to claims 1 and 13, Breslau discloses the invention substantially as claimed, including in a computer device connected to a remote server (fig. 1), a method comprising:  
receiving a file system read request (i.e. read() operation) at a client device (col. 1, lines 30-38; col. 3, lines 47-49; col. 5, lines 7-14);

converting the file system read request (i.e., read() operation) to an access request of a remote transfer protocol (i.e., HTTP GET; 301-305, fig. 3; 504-517, fig. 5; col. 5, lines 37-65);

communicating the access request to the remote server having data corresponding to the file system read request maintained thereby (col. 7, lines 59-67; col. 8, lines 16-28); and

receiving data from the remote server in response to the access request (col. 6, lines 12-20)

7. Breslau does not specifically disclose reconverting the received data of the remote transfer protocol to correspond to the file system read request. However, Pearson discloses reconverting the received data of the remote transfer protocol to correspond to the file system read request (col. 2, lines 3-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Breslau and Pearson because Pearson's reconverting (i.e., decompression) the received data would improve the capacity of Breslau's system by allowing a client to restore the original image or text data for viewing.

8. As to claim 2, Breslau discloses the file system read request is converted to a HTTP byte range request (i.e. HTTP GET/PUT; 305, fig. 3; 512-514, fig. 5; col. 5, lines 37-65).

9. As to claim 3, Breslau does not specifically disclose compression and decompression of data. However, Pearson discloses data corresponding to the read request maintained on the remote server is compressed, and wherein reconvertng the received data of the remote transfer protocol to correspond to the file system read request includes decompressing the data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Breslau and Pearson because Pearson's compression/decompression data would reduce the memory space by allowing the client to store the data in memory in the compressed form, thereby reducing the amount of bandwidth required to transmit the data.

10. As to claims 5, 14, 21 and 22, Breslau discloses caching at least some of the received data at the client device (col. 6, lines 17-22).

11. As to claims 6, 7, 17 and 18, Breslau does not specifically disclose determining a set of at least one block in a remote file having the data. However, Pearson discloses determining a set of at least one block in a remote file having the data (col. 3, line 49 – col. 4, line 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Breslau and Pearson because Pearson's determining a set of block would increase the efficiency of cache by allowing the server to be aware of block size of data thus allocating the data to the appropriate memory.

12. As to claims 8 and 9, Breslau discloses converting the file system write request to an access request of a remote transfer protocol (i.e., HTTP GET/PUT; 301-305, fig. 3; 504-517, fig. 5; col. 5, lines 37-65).
13. As to claim 10, Breslau discloses the receiving a file system open request at a client device (col. 3, lines 54-55).
14. As to claim 11, Breslau discloses locally storing directory information maintained on the remote server (114, fig. 1; col. 4, lines 15-20).
15. As to claim 12, Breslau discloses the computing device is connected to the remote server via the Internet (107, fig. 1; col. 3, lines 32-36).
16. As to claim 15, Breslau discloses remote transfer protocol comprises HTTP (col. 6, lines 12-20).
17. As to claims 16 and 23, it is rejected for the same reasons set forth in claim 3 above.
18. As to claims 19 and 20, Breslau discloses file system request is a read request for a quantity of data (i.e. read() operation; col. 1, lines 30-38; col. 3, lines 47-49; col. 5, lines 7-14).

19. As to claim 24, it is rejected for the same reasons set forth in claim 12 above.

20. As to claim 25, it is rejected for the same reasons set forth in claim 1 above. In addition, Breslau discloses computer-readable medium having computer executable instructions (col. 3, lines 59-64; col. 10, lines 20-22).

21. As to claim 26, it is rejected for the same reasons set forth in claim 15 above.

22. Applicant's arguments filed 2/4/2004 have been fully considered but they are not persuasive.

23. In the remarks, applicant argued in substance that

(1) Breslau neither teaches nor suggests converting a file system read request into an access request of a remote transfer protocol.

(2) Moreover, in direct contrast to the teachings of Breslau, claim 1 recites converting, as opposed to merely interpreting, the file system read request to an access request of a remote transfer protocol. That is, the file system read request, which is in a first format (operable to be used in a computer file system) is converted (actually changed) into an access request, which is in a second format (operable to be used in a computer network environment).

(3) Breslau fails to disclose a block driver configured to convert a block

request into a byte range request of a remote transfer protocol.

24. Examiner respectfully traverses applicant's remarks.

As to point (1), Breslau discloses converting local file path (i.e., directory path; 301, 302, fig. 3, using the file path information, user can read a file from a file system) to remote file path (303-305, fig. 3; i.e., allowing to access the file in a network) using an HTTP protocol over a network (i.e., LAN; 107, fig. 1; col. 4, lines 15-20; col. 1, lines 47-59).

As to point (2), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., operable to be used in a computer file system; operable to be used in a computer network environment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to point (3), Breslau discloses converting local file path (i.e., directory path; 301, 302, fig. 3, using the file path information, user can read a file from a file system) to remote file path (303-305, fig. 3; i.e., allowing to access the file in a network) using an HTTP protocol over a network (i.e., LAN; 107, fig. 1; col. 4, lines 15-20; col. 1, lines 47-59).

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang  
April 7, 2004

  
ZARNI MAUNG  
PRIMARY EXAMINER